

Before the
Federal Communications Commission
Washington, D.C 20554

In the Matter of)	
)	
Wireline Competition Bureau Seeks Comment)	WC Docket No. 03-109
On Requests for Waiver and Declaratory Ruling)	DA 05-1869
Concerning Lifeline Rules)	

**COMMENTS
OF THE
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA)¹ submits these comments in response to the Wireline Competition Bureau's Public Notice of June 28, 2005² seeking comment on requests for waiver and declaratory ruling concerning lifeline rules.

Several eligible telecommunication carriers ("ETCs") have petitioned the Commission seeking a waiver of the Commission's rules³ requesting an additional 90 days in which to submit sample Lifeline verification data. These ETCs also request that the Commission issue a declaratory ruling that where a state commission does not impose certification and verification requirements on a CETC (either because the CETC is a

¹ NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 560 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service incumbent local exchange carriers (ILECs) and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA's members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

² "Wireline Competition Bureau Seeks Public Comment on Requests for Waiver and Declaratory Ruling Concerning Lifeline Rules," WC Docket 03-109, DA 05-1869, June 28, 2005.

³ 47 C.F.R. § 54.410(c)(2).

commercial mobile radio service carrier or for other reasons), the carrier should be permitted to follow the Federal certification and verification guidelines. NTCA will limit its comments in this matter to the petitioners' request for a declaratory ruling.

None of the states named in the petitions, which include Alaska, Minnesota, Virginia, Washington, and Wisconsin, are listed as federal default states.⁴ These states also appear to have state-based Lifeline assistance.⁵ If some or all of these states mandate state-based Lifeline assistance, each state would then have the discretion to set up its own Lifeline verification procedures, including the timing of the verification reports and to whom the reports should be submitted.⁶ If any of these states have mandated state-based Lifeline assistance and have established their own Lifeline verification procedures, then all eligible telecommunications carriers (ETCs), wireless and Wireline, in these states are required to comply with "state certification procedures to document consumer income-based eligibility for lifeline prior to that consumer enrollment if the consumer is qualifying under an income based criteria."⁷

NTCA is concerned by the fact that the primary information upon which several of the petitions are based was derived via verbal information conveyed by an unnamed staffer at various state commissions.⁸ Before the Commission makes any ruling in this matter, it is essential that the Commission determine whether each of the states listed in

⁴ The states that are federal default states for purposes of complying with the Commission's new lifeline rules include: Delaware, Hawaii, Iowa, Illinois, Indiana, Louisiana, New Hampshire, American Samoa, and Northern Mariana Islands. *See* Public Notice Wireline Competition Bureau Answers Frequently Asked Questions Concerning Lifeline Order, CC Docket No. 96-45, DA 05-1406, p. 2, (rel. May 18, 2005).

⁵ *See* Universal Service Administrative Company Appendix LI02, Low Income Support Available by State, 3Q2005.

⁶ *See* Public Notice Wireline Competition Bureau Answers Frequently Asked Questions Concerning Lifeline Order, CC Docket No. 96-45, DA 05-1406, p. 3, (rel. May 18, 2005).

⁷ 47 CFR § 54.410(a)(i).

⁸ The Virginia Cellular, US Cellular (Washington), US Cellular (Wisconsin), ADT, RCC, and Nsighttel petitions are all based upon information received from unnamed state commission staffers.

the petitions has mandated state-based Lifeline assistance and which states have established their own Lifeline verification procedures. Without knowing for certain what the specific states' policies happen to be, the Commission does not have enough information to make a ruling. Undocumented, unattributed oral information is, in and of itself, an insufficient basis for Commission action.

In each instance, the petitioner claims to have requested that written confirmation of the critical information be sent; none has yet been filed with the Commission. Petitioners note that “[s]hould the [state commission] issue a written confirmation, [the petitioner] will provide a copy as a supplement to this Petition.”⁹ This is vague and unsatisfactory. Any FCC ruling on the petitioners' requests should be withheld pending receipt of this vitally critical information or confirmation that the states listed in the petitions do in fact have state Lifeline verification procedures which apply to landline and wireless ETCs.

Assuming that this verification is received and that the states or a state in question indeed will not accept the carriers' certification and verification data, the Commission should issue a ruling for that particular state only. The Commission should not issue a blanket ruling applying to all states. The Commission cannot assume that all states are acting in a similar manner, but must evaluate each state's actions and policies separately and comprehensively.

⁹ See, VA Cellular petition at 2, US Cellular (Washington) petition at 2, US Cellular (Wisconsin) petition at 2, ADT petition at 2, RCC petition at 2, Nsighttel petition at 2.

CONCLUSION

For the above-noted reasons, NTCA urges the Commission to refrain from ruling on these requests for a declaratory ruling prior to receipt of written verification from the relevant state commissions of their refusal to accept verification and certification data from the petitioning parties or confirmation that the states listed in the petitions do in fact have state Lifeline verification procedures which apply to landline and wireless ETCs. Upon receipt and confirmation of said information, the Commission should rule on these petitions on a state-by-state basis.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
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July 13, 2005

CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in WC Docket No. 03-109, DA 05-1869 was served on this 13th day of July 2005 by first-class, U.S. Mail, postage prepaid, or via electronic mail to the following persons.

/s/ Gail Malloy

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